File No. 827
1904.

Collection No. 2

Mysore Residency

26/2/47

Pros. Serial Nos. 17 -47.

Subject.

Govts of Madras & Bombay unable to provide accommodation in their Reformatories for juvenile offenders from the C & M Station question of constructing a Reformatory at Bangalore is under the consideration of the Mysore Govt ~~Orders for dealing with Child Offenders in the Station (S 44)~~

Previous References.

F-225 / 1892 (SN 57-58, 62)

Later References.

N. File 746/31

R 70-12

S. 97. (Blue).

DCFP 6788&P—(G-1C85)—10-8-30—1,00,000.

Margin for binding of to be written on.

Office Note.

File No. 327/1904

S. 17

Letter No. 905 dated 21st March 1921.

from The District Magistrate, C & M. Station Bangalore

SUBJECT.

Extension of the Reformatory Schools Act 8/1897 to the Civil and Military Station.

(1)

(a) In the matter of Hayes. p. 39 of Vol. XII - Madras Series — [illegible]

(2) The Civil and Military Station of Bangalore is not British territory, but a part of the Mysore State. The Reformatory Schools Act 8/1897 is not therefore in force. When it is proposed to deal with youthful offenders, recourse must be had to the Code of Criminal Procedure which is in force in the State. Sec. 399(1) of the Code, regulates the procedure for the confinement of youthful offenders. Such provision has been made, in the case of youthful offenders under the age of 15 years, for the substitution, in lieu of imprisonment of confinement in a Reformatory established by the Local Government, in which there are means of discipline and of training in some useful branch of industry.

(b) P. 2 of File 327/1904. (3) There is no reformatory in Bangalore to which juvenile offenders convicted by the Courts of the C & M. Station can be sent.

The arrangements in force in the Station, for the dealing of juvenile offenders are as follows.

(c) P. 6 of File 327/1904. (4) Prisoners who are under a sentence of more than one years imprisonment are sent to the Madras jails. If they happen to be juveniles, the practice is to send (any) to some Reformatory schools from the jails to which they are sent.

S. 1.—E. F. B.—6-1920.—10,000.

Juvenile prisoners of less than one years imprisonment are confined in the juvenile wards of the Bangalore Central Jail.

The Collector now believes that the present procedure is totally inadequate. The present procedure may be inadequate either because.

(i) the existing arrangements in the Bangalore Central Jail continues to be unsatisfactory or (ii) the number of juvenile offenders has increased to an extent which would justify their being sent to a Reformatory.

In regard to (i) the Collector does not appear to offer any special remarks. Attention is invited in this connection to the letter from this Office No 1370 (d) dated 5th March 1908, in which the attention of the Durbar was called to the desirability of providing separate accommodation and suitable instruction and recreation to juvenile offenders.

(d) S. 8 of file 327/1904

(e) The Durbar replied by saying that arrangements had been made for the juveniles being given some elementary education and for their being trained in carpentry and iron work. As regards separate accommodation (f) provision was made in the State budget of 1908-09 to the amount of Rs 6000 for the construction of a juvenile prison in the Central Jail.

(e) S. 9 of file 327/1904.

(f) S. 10 of file 327/1904.

As regards (ii) (g) Application was made as far back as 1903 to the Durbar to consider the advisability of starting a Reformatory school, as it was then considered that the number of juvenile offenders admitted into the Mysore Jails during 1901-1902, was large enough to justify the establishment of a separate institution. But the Government of Mysore were not in favour of the course, as it was considered in their opinion neither necessary nor practicable.

(g) S. 51 of file 225/1892.

P 58
225-1892

(h) The question of the transfer of juvenile offenders to some outside reformatory was again re-considered, but the question was not pushed

(h) S. 3 & 6 of file 327/1904

Item for binding not to be written on.

Notes—*continued*

Margin—to be binding not to be written on.

through, partly, because it was admitted that the number of juvenile offenders was not sufficiently large, and partly because it was uncertain that accommodation would be available outside, and it was finally agreed to continue the arrangements at the Bangalore Central Jail.

Apparently, from what would appear from the Collector's letter and the remarks of the District Superintendent of Police embodied in the enclosure, it would seem that the conditions obtaining at present in the Station, justify the extension to it of the Reformatory Schools Act 1897.

(J) S. 12 of file 53 of 1896. (J) Secs. 3 to 32 of the Act were extended in 1898, to Coorg, in exercise of the powers residing in the Local Govt, by Notification under Sec. 1, sub-sec (3) of the said Act.

(J) S. 7 & 10 of file 7/05 (J) Once the Act was in force, advantage was taken of Sec. 15, to apply to and obtain from the Govt. of India a general order directing that the Reformatory Schools at Yerawda in the Bombay Presidency and Chingleput in the Madras Presidency, be made available, for the reception of youthful offenders directed to be sent to a Reformatory by a Court or Magistrate in Coorg. (K) The necessary Notific. under Cl. b of sub-sec. 3 of Sec. 8 of the Act, was also published prescribing the periods for which

(K) S. 11 of file 7/05

Issue vide Nos. 6, 8, 9 7-05

Courts and Magistrates in Coorg could send youthful offenders.

As regards the C & M. Station of Bangalore, advantage cannot be taken of sub-sec. (3) of sec. 1 of the Act to extend the provisions of the Act to the Station. Application must be made in the first instance to the Government of India to apply the Act, on their Govt. to the Station, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council of 1902

When the extension of the Act has been approved, either of two questions will have to be considered —

(i) whether the conditions in the Station justify the establishment of a separate reformatory school on the lines of the reformatory schools elsewhere or,

(ii) whether application should be made, as was done in the case of Coorg, for a general order under Sec. 15 directing the reformatory schools at Yerawda and Chingelput to be made available for the reception of the juvenile offenders convicted in the Station.

As regards (i) the Durbar perhaps may again be approached on the question of constructing a separate Reformatory school.

As regards (ii) information will apparently have to be obtained, before applying to the Government of India, as to whether accommodation is available in either of the Reformatory Schools at Yerawda or Chingelput.

In the meanwhile if the proposal to introduce the Reformatory Act into the Station be accepted, a draft application to the Government of India enclosing the necessary notification will be put up for approval.

Margin for binding not to be written on.

This would, I think, be an unnecessary expensive amusement.

It seems useless to trouble him unless Durbar provide such a school. If they do construct one the question might be considered later of sending our juvenile convicts there.

8/11/21

7-11-21

We may first ascertain from the District Magistrate the number of juvenile offenders sentenced to imprisonment during the past five years who ought to have been sent to a Reformatory School (*). Then we can ask

(*) Also which Reformatory School or Schools he recommends for this purpose.

8/11/21

Notes—*continued*.

Margin for binding not to be written on

the Govts of Madras & Bombay whether they can accommodate juvenile prisoners from the Station in their Reformatory Schools. If they agree the Govt of India can be asked to apply the Reformatory Schools Act, 1897, to the Station and at the same time issue a general order as contemplated by Section 15 (1) of the Act

Ans
7/4

Sir,

(3)

I am to refer to the L.G.C. and its Enclosure and the foregoing notes.

It will be seen that the D.S.P. recommends the application ⊗ D to the Station of the Madras Children Act, 1920, or an Act on similar lines.

It will be seen from Section 2 of the Act that, in Madras, it supersedes the Reformatory Schools Act, 1897, in areas to which it is applied. Part II of the Act provides for the establishment of machinery for the purposes of the Act. It is doubtful whether it

S. 2—S. F. B.4—1920.—4,000.

necessary or advisable to apply that Act (i.e. the Guardianship Act) to this section and so have to set up somewhat elaborate machinery. A simpler and perhaps equally satisfactory solution of our problem here would be to take action as indicated in para 2 of these notes. The Irish Magistrate has offered no remarks on the DSP's suggestion to apply the Guardianship of Infants Act, 1920, to this section.

LD
8/4/21

As at (2) please
11.4.21

Draft to the Dist. Magistrate submd.
CMG. 15/4/21
LD 16/4

Issued no. 38188 20th April 1921

Margin to be left for binding not to be written on.

4

S. 18.

Notes-continued

Margin for binding not to be written on.

Sl., 19

Letter No. 33, dated 6th January 1922, from the District Magistrate, C. & M. Station.

---:0:---

(5)

Please see Sl. 17 / 327-1904 and enclosure, these notes from para 1, Sl. 18 / 327-1904 and L.U.C.

Under the arrangements of 1884 - vide Madras Government Order No.1778-Judl., dated the 19th July 1884 - prisoners of the C. & M. Station who are under a sentence of more than one year's imprisonment are sent to the Madras Jails, and if such prisoners happen to be juveniles, they are probably transferred to the Reformatory School of the Madras Government from the jails to which they are forwarded.

Sl. 19 (a) / 353-1885.

para 2 V. 6 / 327-04

The present proposal is therefore limited to the case of juvenile offenders who are under a sentence of ~~more than~~ one year's imprisonment or less and they are confined in the Bangalore Central Jail. This procedure is, in the opinion of the District Magistrate and the District Supdt. of Police, totally inadequate. Juveniles in the station appear to be responsible for a large amount of crime, and the number of juvenile vagrants from whom the ranks of juvenile criminals are drawn, it is stated, is on the increase. There is no Reformatory School in Bangalore to which these offenders could be sent and the conditions of the Station do not justify the establishment of a separate institution. It is thus under consideration to move the Government of India to extend the Reformatory Schools Act, 1897, to the station and to issue the order contemplated by sec. 15 (1) of the Act. But before doing so it is proposed to ascertain from the Government of Madras whether it will be possible to accommodate in the Reformatory at Chingleput, juvenile offenders directed to [illegible]

V. 17 / 327-04

paras 1 and 2 of encls. to V. 17 / 327-04

V. 2 / 327-04

x Reformatory recommended. para 2 L.V.C.

S. 2—R. P. B.—8-1921—5,000.

thither by a Court or Magistrate in the Station.

Margin for binding not to be written on.

Now please see Sl. 4 / 36-18 . This is a general provision enabling the Resident to move to the Central Jail at Vellore, any prisoner under a sentence of one year or less, whose transfer is deemed expedient. It seems that advantage could be taken of this provision to meet the requirements of the present case. As in the case of prisoners of more than one year's imprisonment, who if they happen to be juveniles, it is presumed, are transferred to a Reformatory from the Jails to which they are forwarded, so also in the case, of juveniles who under a sentence of one year or less, it may be assumed that if they are forwarded under the authority at Sl. 4 / 36-18 to the Jail at Vellore, they will be sent from that place to a Reformatory. This procedure will obviate a reference to the Govt. of India for the application of the Reformatory Schools Act, and for the issue of the order under Sec. 15 (1), of the Act. As the assumption, in para 2 Sl.6 / 327-04 does not appear to have been made clear by a reference to Madras, it seems that it may be done so now, so that if the procedure is certain, all that appears necessary is for the District Magistrate to report each individual case for the orders of the Resident under Sl. 4 / 36-18.

para 2 V. 6 / 327-04

Subd. for orders.

2 / 16/1

Ex I / 16-1-22

Read

(6)

Mean in Sls. 17 & 18 / 327-04, then

hold from para 1 and L.O.C. ② ② V. 19

Enclosures

The Enclosure to L.O.C. shows that,

Mar... for... binding ... to be written on.

during the past 5 years, or an average 10 youthful offenders have been convicted and sent to the Rangatira Central Jail each year.

The existing arrangements for dealing with youthful offenders in the Cook Islands are explained in the foregoing office notes. It is not clear whether the assumption that juvenile offenders who are sent to Headley Jails are transferred from the Headley authorities to a Reformatory School, is in accordance with practice. I do not know, and the office notes are silent as to the point, under what law or orders this can be done. Possibly it can be done under the rules or orders contained in the Headley Jail ~~manual~~ manual. It would seem, however, that in the past the case of youthful offenders in the Cook Islands has not received very much consideration as ~~has~~ not such sufficient measures have been

(x) See para 2 S.6 327-24.

(y) Vide para 840 Raratas Jail Manual-p. 193

S. 2—E. P. B.—2-1921—5,000.

taken for dealing with them
and attempting to reform them.
You may remember that the recent
Tails Commission discussed the
question of youthful offenders at
some length and laid stress on
the importance of so dealing with
them that they might be reformed
and prevented from becoming
confirmed criminals

S.17
327-24 and its enclosure
have shown that the question
calls for special consideration in
the Station and that methods
cannot probably be kept to remain
as they are. There seems to be
no great difficulty in extending
the Reformatory Schools Act, 1893, to
the Station and arranging for the
transfer of juvenile offenders to
Reformatory schools in headers -
of course after consultation with
the headers from Bath in town -
then back to extend the headers
Children Act, 1920, to the Station
initially modified to meet local
conditions. The great advantage that

Margin for binding not to be written on.

Notes-*continued*

Margin may binding not to be written on.

This Act has over the Reformatory Schools Act in that it provides for children and young persons who have not committed an offence being sent to certified schools - vide §§ 21, 29 & 30.

The Reformatory Schools Act, 1893, seems to provide only for offenders - vide § 8. In other respects also the Headers Act seems to be a considerable advance on the Act of 1893.

There seem to be no appreciable difficulties to applying the Headers Act, subject to some modifications, to the Cape Station. Provided that the Headers Gaol are prepared to admit youthful offenders & children from the Station in to their certified schools

23.1.96

(7)

Margin for binding not to be written on.

I suppose it is not possible

60 [illegible] to [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

so that the [illegible]

per head. Say the average number

of children of a [illegible] or thereabouts.

(Then we have the wages, clothing

[illegible] now probably expended for

it [illegible]).

Cost of Tuition [illegible]

[illegible] [illegible] [illegible]

for each; [illegible] [illegible]

[illegible] [illegible] [illegible]

27/1

64
May — 2 drafts submitted for approval.

Ex 1
2. 2. 22.

AO
3/2

JD
5. 2. 22

Issued Nos 1378-1399 8.2.22

9 22-41

Notes-*continued*

Margin for binding not to be written on.

Copy of notes made in the District Magistrate's file No. 51/1921.

---:0:---

Secretary to Resident u.o. No.388 with file No.51/21 dated 11-2-22.

(8)

Could you please let me know before the 16th whether the Residency is moving in the matter of the Reformatory Schools Act or whether it is considered that the Children Act is by itself enough ?

You will see from serials 14 & 15 that a meeting was held to discuss the question of certified schools: but before we proceed to this I want the Reformatory Schools Act brought into force. As far as I understand the question, the two acts can exist side by side, having different scope.

Sd. T. J. Tasker,
11-2-22
D.M.

(9)

Please see above note:

The idea of the District Magistrate seems to be that youthful offenders and children could be dealt with separately. The former, under the Reformatory Schools Act as applied to the Station, could be sent to the Chingleput Reformatory where it appears that youthful offenders now transferred to the Madras Jails are confined. As regards children, the District Magistrate proposes that efforts should be concentrated on Sec. 29 Madras Children Act, which could also be applied to the station. Then the class of persons who are not youthful offenders but require protection could be retained in a certified school established for this purpose by Government in the station, or in a school under private management which is declared to be fit for the reception of children. The D.S.P. in concurring with the District Magistrate is also of opinion that the Children's Act is not to supplant the Reformatory

para 2 of Collector's Memo. on S.14-P

x Please see also para 840 Madras Jail Manual.

para 2 S1.6

R.O.327-04 linked.

para 2 of Memo on S1. 14-P.

para 4 of S1.14.

Sec.6(2) Madras Children Act. D.

Vide his remarks on the Collector's memo: below P.

S. 2—R. F. S.—8-1921—5,000.

Reformatory Schools Act, the need for the application of which he considers still exists.

Margin for binding not to be written on.

As regards certified schools in the station, no conclusion has been reached as the result of the meeting held on the 24th February 1921 to discuss this question. Before proceeding further with this matter, the Collector wishes to be informed whether the Children Act is considered sufficient by itself, or whether both the Acts could not be applied to the Station for different purposes. S. 14. His note supra.

The action proposed in this office at Sl.20 was the result of a consideration of both the Acts. Please see in this connection the note in para 6 in linked Residency file on this subject. The principal reason for preferring the Madras Children Act to the Reformatory Schools Act, was because the former provided not only for the case of youthful offenders, but dealt with children and young persons as well. R.O. file 327 of 1904 linked. R

The Act provides for the establishment of two classes of schools - senior certified schools and junior certified schools, the former for the training of youthful offenders and the latter for the training of children. The distinction appears to be one of age than of criminality - vide Sections 23 & 29 of the Act. If certified schools are to be established in the station, it seems that a similar distinction should be observed, and that means should be adopted for the provision of both senior and junior certified schools or at least that treatment should be separate for youthful offenders and children. Madras Children Act - Sec.6. Clauses 6 & 7 of Sec.3.

For the present it seems that the action already taken is sufficient. It will be seen that the Reformatory Schools Act has been superseded by the Madras Children Act in areas to which the latter Act has been applied. Sec. 2.

Notes-continued

Margin for binding not to be written on.

S. 20
R.O.327-04
linked.

If the Government of Madras are prepared to admit youthful offenders and children of the Civil and Military Station into their certified schools, we may apply for the extension of the Madras Children Act to the station. In the meanwhile there would be no objection to the Collector proceeding with the question of certified schools in the station, and if their establishment is possible, youthful offenders and children now proposed to be transferred to Madras may in the future be trained in schools in the station.

Id. E.D'S
14-2-22.

(10)

In Madras the Reformatory Schools Act 1897 ceases to be in force in areas in which the Madras Children Act 1920 is in force except as regards youthful offenders excluded from the operation of the latter Act. It seems that we should follow Madras as far as possible in this respect. Whether in Madras any youthful offenders are excluded from the operation of the Reformatory Schools Act in areas to which the Children Act has been applied can be ascertained perhaps by the D.S.P. and reported to this office. Meanwhile the question of applying the Children Act can proceed and if Madras cannot accommodate children and young persons from Bangalore the question of establishing a certified school here will become imperative.

Vide Sec.2 of Madras Children Act, 1920.

Vide Sl. 20 F.327/04 linked.

Id. A.M.P.
14/2.

(11)

Resident.

Please see these notes from portion at A, and Sls. 20 & 21 .
327-1904

I concur in the Registrar's note above and action may perhaps be taken as he suggests ?

It is doubtful whether the two Acts (i.e. Madras Children Act, 1920, and Reformatory Schools Act, 1897) need

Children Act. If action suggested by Registrar is taken this point will be made clearer.

Id. T.P.
15-2-22.

I agree. It is possible that youthful offenders of a depressed type would not readily be admitted to certified schools.

Id. W.P.B.
15/2.

The District Magistrate (u/o).

WB.

G.O. No. 1682 S/15-2-1922

Letter No. 458 B-1, dated the 17th Feb. 22, from the Govt. of Madras.

Please see ✓ 20.

Madras are unable to receive into their Certified Schools youthful offenders and children from outside their Presidency. The question is whether the Reformatory Schools Act should now be applied to the Station. It seems unnecessary to do so if the establishment of certified schools in the Station is possible. Then under the Madras Children Act as applied to the Station, youthful offenders and children and young persons requiring protection could be sent to such an institution, in the manner provided in the Children Act. The only exceptions would be those youthful offenders who

Notes-continued

Margin for binding not to be written on.

x The Act is not yet in operation in Madras.

Sec. 2 The Children Act. This would render the application of the Reformatory Schools Act also necessary. The latter point has been brought to

para 10 of notes the notice of the Dt Magte. and he may be asked to communicate the information asked for, as well as to proceed with the question of certified schools in the Station.

Draft D.O. for approval.

E.S. 8.3.22 8/3

(14)

Reviewer

Please see L.U.C. a fine zoning note.

This in connection with the Reformatory Schools Act, 1897, should not be applied to the Calcutta Station in the first instance and the question of applying the Madras Children Act, 1920, be deferred till that Act has been brought into operation in Madras and experience gained as to its working.

In this connection a reference is invited to paras 6 & 7 of the note and Sl. 21.

Should Dir may be asked for his views?

10.3.22

15

Margin for binding not to be written on.

16

Before moving Govt. of India to appeal the Act to the Station, it is necessary that it should be ascertained from Madras whether accommodation in the Reformatory School at Chingleput is available.

Draft submitted for approval

14.3.22

Issued no. 26148 18.3.1922

S.23.

Notes-continued

Margin for binding not to be written on.

V. 24 Letter No. 1007 B-1, d. 27. 4. 22, from Govt of Madras Law (Educ) Dept.

---

(17) Please see V. 23, 327-04

The position as regards youthful offenders in the Station is as follows:-

V. 17 327-04 As the present procedure is unsatisfactory, they can be dealt with either under the

(i) Madras Children Act, 1920

or

(ii) Reformatory Schools Act.

(i) The application of the Children Act to the Station is not feasible as the Act has not yet been brought into force in Madras and experience gained there of its working. For the same reason the establishment of Certified schools in the Station for the reception of youthful offenders and children cannot be proceeded with. Even were the Madras Children Act to be applied to the Station, in view of Madras, being unable to admit in their schools youthful offenders and children outside their jurisdiction, the establishment of both senior and junior Certified schools such as is contemplated in the Act would perhaps be

V. 25 327-04 & para 14 of Station wants

Paras 14-16 of them will may be read in this connection. J. 6.5.22

V. 21 327-04 and para 8 of wants

V. 22 327-04

Madras Children Act - Sec. 6

difficulties in the Station, and unless this end is achieved, it would not be possible to provide separate treatment for youthful offenders, and children who are not offenders but require protection.

In the circumstances the application of the Reformatory Act must be considered for dealing with youthful offenders as their case is pressing.

(2) As there is no reformatory school in the Station, the Reformatory Schools Act cannot be applied until it is known that accommodation can be provided elsewhere for youthful offenders convicted in the Station.

The Reformatory School at Chingleput cannot be availed of. Apparently this is the only Reformatory in Madras. We may, if approved, ask Bombay whether they can admit into the Reformatory at Yerawda, juvenile offenders from this Station. Vide . The views of the Dist. Magte. may if seems be obtained on this point.

Margin for binding not to be written on.

15

Para 8 of rules

V. 2
327-04

V. 24
327-04

p. 102 Madras Administration Report 1920-21 was put up

Notes-continued

Margin of binding not to be written on.

(3) Failing Bombay, the only alternative, until the position is eased in Madras, seems to be to continue the present arrangements at the Byculla Central Jail where juvenile prisoners para 2 V. 58 225-92 appear to be accommodated separately, and provided with instructors.

It is unlikely, in view of financial stringency, that the Durbar will take up at the moment the question of a Reformatory in the State. The idea was (3) suggested to them but V. 57 225-92 they were not in favour of the proposal.

(4) V. 58 225-92

The orders as to whether the Bombay Govt may be addressed if after reference, the Bt Maste agrees

4.5.22 AS 575

Mr. Dubash

(18) Please see L.U.C. of the foregoing note.

Perhaps the best thing to do is to ask the Bombay Govt if they can help us in the matter? The conviction in the Chinglepet school may last from 3 to 7 years vide S 8 of the Reformatory Schools Act.

S.D. 6.5.22

S. 2—E. P. B.—8-1921—5,000.

(19)

Margin for binding not to be written on.

We might ask Bombay
how they are with likely Agency.
Perhaps Secy should
write to Central Govt and suggest
the Reforming section a note
of opinion. Thereafter might
perhaps now see their way to extend
a Reforming if we share the cost.

S/S

Draft to Bombay for approval. We may address
Bombay after we hear from Bombay.

11. 5. 22 11/5

Issued no. 4210 & 13th May 1922 5.25

Extract from the office note on serial 48 of File 74/1918 Monthly proceedings of the Mysore Durbar for the month of September (92).

Resident's Orders –

(20) Please see para marked at E

We might ask the Durbar if they could arrange to accommodate our juvenile prisoners.

10/6/22

Draft for approval.

19. 6. 22 12/6 13/6

S. 26. Issued no. 4966 dt 15th June 1922.

V. 27 Letter No. Ldr. 18, d. the 5th July '22, from the Mysore Durbar.

Please see para 20 above & V. 26.
We may remind Bowbay – V. 25, and acknowledge.
2 Drafts for approval.

7. 7. 22 7/7 Issue. Resident see. 11/7

S. 28 Issued No 5716 dt 11/7/22 and filed with Bombay letter.

Letter No.1507-E, dated the 25th July 1922, from the Secretary to the Government of Bombay, Educational Department,

---

Please see para. 17 of note above and serials 24 - 27 / 317 - 24 and L.N.C. (21) In the circumstances, it seems necessary, to postpone the application of the Reformatory of Schools Act, to the Station, until the construction of the Reformatory, as contemplated by the Durbar, is completed.

Please see also para. 19 above. The District Magistrate, C & M Station, is the ex-officio visitor to the Bangalore Central Jail. We may, if approved, ask him to note his views on the reformatory section of the Jail when next he visits it.

Draft for approval.

Revise
In information. Draft may issue.?

Issued no. 6331 S 5th August 1922

S. 30

Notes-continued

Margin for binding not to be written on.

f. 31 Letter No. 2546, d. the 16. 8. 22, from the Dist. Magte., P. N. Circle, Lau.

22 With ref. to L. v. C., please see para 2 (S. 925 - 22) and para 10 of Mysore G. O. at Flag E. The previous relating to juveniles are contained in Rules 733 to 743 of the Mysore Jail Manual (pp 186 & 187). These rules provide for the education, & general & industrial, of juvenile prisoners (vide Rules 738 & 740) but their enforcement is a matter for the District. The visitors to jails are however Rule 18 invited to see that the laws & rules regulating the management of prisons & prisoners are duly carried out. Perhaps the Magte, for the time being, in spite of the District local means are [illegible] & adopted for the enforcement of the provisions in the Juvenile Manual

S. 2—R. F. B.—8-1[illegible]—5,000.

for the instruction both moral & educational of the juveniles who are employed in the work of the Central Jail at Bhuj.

Draft for approval.

19.8.32

AS/1918

Collector Resident

Please see his & the previous note.

Reply may issue?

20/8/32

Margin for binding not to be written on.

Separately sent by Resident vide his letter dated 19/8/32

Bhuj Dt. 19/8/32

S/32

Notes-continued

Copy to file 234/1914 (26/9/23)

1 Begin for binding not to be written on

R.O.

* * *

S 36

(23)

A copy of the instructions should be sent to the District Magistrate, Civil and Military Station for his opinion as to whether they should be introduced into the Tract.

Id. W.P.B.
13/9/23.

Draft * * *

6.9.23 Please see S.S. 16 of 29 of Coorg File 234/1914. The C.C. has issued instructions based upon them at that qd. Draft submd

CAB 3/10/23 AS 4/10 M 4/10

S.37 Issued No. 80318 10. 10. 23.

S 38 Tuc. Letter No. 3741, dated the 5th Dec. 1923 from the D.M., Comdr. Bldg

(24) The draft instructions forwarded by the Dt. Magte (Vide enclosure to sl 38 Tuc) are on the model of those already issued in the case of Coorg with reference to the Govt. of India's instructions The following provisions in the draft are however new

x Dl 36

S.16 C7 234-14

(i) Draft instruction Nos. 3 & 4.

(ii) No. 7

(iii) Nos. 10 (a) & (b).

Margin for binding not to be written on.

(25)

There seems to be no objection to draft instructions nos. 4 & 7 referred to above but the case of Nos. 10 & 3 requires some consideration. It may be noted that instruction no. 10 has been copied from sec. 26 of the Madras Children Act, 1920, which has not been applied to the States. Strictly speaking, a provision to that effect can be made only by means of legislation; & the issue of an executive instruction regarding the payment of a fine by a parent or guardian & providing for its recovery in accordance with Cr. P. Code will be contrary to law. In practice, legal difficulties are sure to arise if parents or guardians who

× fine

Margin for binding not to be written on.

are directed to pay a fine in accordance with executive instructions and not under legal provisions are proceeded against by means of a warrant for levy of the fine under the provisions of the Cr. P. Code. Instruction no. 10 may therefore be omitted.

(26)

As regards instruction no. 3, it is submitted that the release on bail enjoined therein should be subject to the reservation in sec. 497 (1) of the Criminal Procedure Code viz that the accused shall not be released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or transportation for life. Perhaps the words "subject to the reservation in sec. 497 (1) of the Code of Criminal Procedure" may be inserted in the instruction as shown in pencil in the margin of encl. to 10c.

(27)

In draft instruction no. 1, a "young person" is defined as one

who is 14 and under 15, while
in the instructions for Coorg and ×5(3)(
in para. 3 of the C of I's letter
in sl 16 × the expression
Coorg file 234-14
means one who is 14 but under
16. It is subm. therefore that
in draft instructions 1, 3 & 4,
"16" may be substituted for "15."

×Flag B

For orders whether the DM's draft may
issue, subject to the modifications
suggested in paras. 25–27 ante.

CUA 18/12/23 VAS 18/12

(28)

I agree with paras 25 but with
para 26 of note. The short
point of the proviso to
§ 497 (i) of the Cr.P.C. is
to give the magisterial
discretion to release
a person under 16 years
of age on bail even if
he has committed offences

(30)

Margin for binding not to be written on.

Issued vide No. 10694 & 22. 12. 1923. S. 39.

Letter No. 4777/23, dated 17.1.24 } sl 40
from the Dt. Magte, Coorg } LUC

Please see sls 36, 37, 38, 39 + LUC;
& the notes from para 24 ante.

(31)

LUC is in reply to sl 39 which was issued with refce to paras 27, 29 & 30 ante. Of the two sections of the Cr. Proc. Code mentioned in LUC, sec 399 relating to the confinement of youthful offenders in reformatories already existed in the old Code, while sec. 29 B is new.

The age limit of sixteen years in nishuchai no. 1 of the Chief Commr. of Coorg is based on

× sl 36

Margin for binding not to be written on.

punishable with death or transportation for life, vol. the reverse of office officers to think. The special addition made by office to rule 3 is therefore superfluous.

(4) Mr Austin seems to have deliberately reduced the age of a juvenile from 16 to 15 years. Why he should do so, I do not know. I think the standard age limits accepted elsewhere should be adhered to unless he can show any good reason for his alteration

Resd.

R Carter
20/12/13

S. 2—R.P.B.—8·1923—19,000.

Notes continued.

Margin for binding not to be written on.

(B)×

para. 3 of The C of I's letter of 26.1.23 ni× sl 16 (Corr file 234-14), o the latter is ni its turn based on

@ (H)

para.@ 364 of the Indian Jails Committee's report. The Govt of India say that, while agreeing with the view of the Jails Committee that a "young person" may be defined as one who is 14 but under 16, they "do not wish to undertake legislation but are of opinion that the Courts might bear in mind" the definition when dealing with child-offenders. The age limit of 15 years in the Dt. Magte's draft instructions may perhaps be altered to 16 years.

para. 3 at flag B

(32)

Subject to the above alteration, if approved, the District Magte's draft (vide enclosure to sl 38)

S. 2—R.P.B.—S-1323—10,000.

Margin for binding not to be written on.

may arise with the omission of subsection no. 10 (Vide paras. 25 + 28 ante)

CVG 28.1.24 AS 29/1

(33)

I agree, but they should be the rule defining re-limits follow the wording approved by CJ + adopted in rule 1 of the (many rules?

Martin 7/2/24

Please see para. 33 above.

The wording of rule 1 (sl 38/a) has accordingly been altered now by the substitution of "but" for "and". Otherwise there is no difference.

A formal draft for approval is submitted.

CVG 5.2.24 AS 11/2

11/2/24

SC 41

J Stewart 14738 14.2.24

S.N.42
(P.W.C)

2

Enc. to S.N.17
(D)

3

(B)

S.N.19
(F)

S.N.22 (A)

S.N.24 (C)

4

S.N.42
(P.W.C)

Letter No.1797-C-29 from the District Magistrate, Civil & Military Station, Bangalore, dated the 10th May 19

The question of applying the Madras Children Act (Madras Act IV of 1920) to the station was first raised by the District Superintendent of Police early in 1921, as he found a large number of juvenile vagrants roaming the streets by day and sleeping at night in pials of schools, verandahs of shops in the market, etc.

The District Magistrate, Mr.Tasker, who then forwarded this proposal, furnished a statement showing the number of juvenile offenders in the station sentenced to imprisonment during the previous 5 years who ought to have been sent to a Reformatory School, and recommended the school at Chingleput for accommodating such prisoners. The Madras Government was asked whether they would agree to their schools being made available for the reception of youthful offenders and children under the Madras Children Act and if so, what the charges per head would be. They replied in February, 1922, that until they saw the actual working of the Act and were in a position to gauge their own requirements, they would not be able to admit youthful offenders from outside, and in April 1922, they stated that on account of the great demand for accommodation for juvenile prisoners convicted in the Mapilla rebellion, there was not at that time, any prospect of their being able to provide accommodation in their school at Chingleput for youthful offenders from the Civil and Military Station of Bangalore.

As seven years have elapsed since the Madras Government was addressed on the subject, the proposal now brought forward by the District Magistrate of the Station may be taken up and the Government of Madras may be addressed. Draft submitted.

Secretary.

M.Ramachandrayya
31.5.29

W.O. 31/5

(5) For orders

(6) I am not sure whether it might not be sound to find out first whether the Mysore Govt. are likely to proceed with the building of their proposed Reformatory (see their letter Pol.18 of the 5th July 1922).

4.6.29

Reader (from price-page)

(7) Is the Mysore State Reformatory in existence? We can ascertain this for our records (Price Proudlock of Mysore Govt.)

12/6

(8) The Printed proceedings of the Mysore Government have been examined. There is no reformatory in the State.

24.6.29

Secretary

28/6

S.N. 44 From the Govt. of Madras, No.1754(Education Deptt.), dated the 22nd August, 1929

9

Submitted for information.

Draft to D.M., C & M Station, submitted with reference to his letter at S.N.42

(X).

C.V. Ramanathan
27.8.29

Secretary

10

In my first fall ask the buyers Gal by d.o. how the project stands

11

A draft D. O. is submitted.

C.V.R. 21.9.29

Secretary

S.N. 45 Issued No. 8269, dated the 27th September, 1929.

S.n. 46 From the Govt. of Mysore, No.Pol.379, dated 30-9-29

12

In view of the reply in the p.u.c. , it is for consideration whether the draft originally put up (forwarding the Madras Govt's letter to the Collector for information) may issue.

φ S.N 44 (y)

x 4
(D) 5 46

C.V.Ramanathan
2.10.29

Secretary

A copy of S.N. 44 and of P.U.C may be sent to the Collector for information

I have added a paragraph. Issue.

8.10.29

S.N.47 Issued No.8755, dated the 16th October,1929.

S. 26.—K. P. B.—5401—10,000.

No. 905 Encls. 1 Office of the District Magistrate,
CIVIL AND MILITARY STATION,
Bangalore, 21 March 1921

T. J. Tasker, Esquire, O.B.E., I.C.S.,
District Magistrate, C. & M. Station,
Bangalore.

To

Major C. T. C. Plowden, I.A.,
First Assistant to the Hon'ble
Resident in Mysore, Bangalore.

SIR,

I have the honour to enclose copy of letter No. 413 dated 17th January 1921 from the District Superintendent of Police and to enquire whether there is any real legal difficulty in applying the Reformatory Schools Act, 1897, to the Station. I understand that the Act (as contemplated by Section 1(3)) has been applied to Coorg and that the reformatory school at Chinglepet has been declared under Section 15(1) to be a school to which offenders sentenced in Coorg may be sent direct. I agree with the Dist. Supdt. of Police (with whom for some time I have been examining the question of youthful offenders) that the present procedure is totally inadequate. I am not able to see any radical difference between this Station & Coorg and I imagine that difficulties of drafting a law could be got over.

I have the honour to be,
Sir,
Your most obedient servant,

Dist. Magistrate.

2/a

Letter No. 419 dated 17th January 1921, from the District Superintendent of Police, Civil & Military Station Bangalore, to the District Magistrate, Civil & Military - Station Bangalore

---

I have the honour to draw your attention to the correspondence ending with my letter No. 7880 dated 20-10-20, in which I have pointed out the large amount of crime committed by juveniles in the Civil and Military Station and urged the extension of the Reformatory Schools Act to the Station.

2. I have since gone into the question of the large number of juvenile vagrants, who roam the streets by day and sleep at night on pials of schools, verandahs of shops, in the market etc. It is from the ranks of these that the juvenile criminals are drawn.

3. On the night of December 30th last, I caused a Census to be taken of all juveniles found sleeping out by the Police with the result that no less than 51 boys homeless and in the majority of cases parentless, between the ages of 6 and 16 were discovered in the limits of Broadway & Central Stations alone and particulars of them noted.

4. In order to combat this evil, I have the honour to suggest that the question of applying the Madras Children Act (Madras Act IV of 1920) to the Station be considered. Under this Act "Certified" Schools for the reception of children have to be established and as a basis for discussion, I suggest that a meeting of persons in the Civil and Military Station who may be deemed likely to take an interest in the matter and render assistance, be convened to discuss ways and means.

"C o p y"

Shereistadar.

18

R. O. 2.-R. P. B.—12-1920.—1000.

No. 3808
327-1904.

From

MAJOR C. T. C. PLOWDEN, I. A.,
~~[illegible]~~ TO THE RESIDENT IN MYSORE.
SECRETARY

To

The District Magistrate,
Civil & Military Station,
Bangalore.

Dated Bangalore, 20th April *1921.*

Sir,

With reference to your letter No.905, dated the 21st March 1921, regarding the application of the Reformatory Schools Act, VIII of 1897, to the Civil & Military Station of Bangalore, I am directed to ask for a statement showing the number of juvenile offenders in the Station sentenced to imprisonment during the past five years who ought to have been sent to a Reformatory School and to enquire which Reformatory School or Schools you recommend for the purpose.

S.17

I have the honour to be,
Sir,
Your most obedient servant,

Sd/T. Plowden
SECRETARY TO THE RESIDENT.

BJ

No. 33

Office of the District Magistrate
C. & M. Station, Bangalore,
Dated 6th January 1922.

From

T. T. Tasker, Esquire, C.I.E., I.C.S.,
District Magistrate,
C. & M. Station, Bangalore.

To

Major C. T. C. Plowden, I. A.,
Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

Sir,

Reformatory Schools Act VIII of 1897.

With reference to your letter No. 3808/327-1904 dated the 20th April 1921, I have the honour to forward herewith a statement obtained from the Central Jail, Bangalore, showing the number of convicted prisoners of under the age of 16 years who were admitted into the Central Jail from the Criminal Courts in the C. & M. Station, Bangalore, during the past five years from 1st July 1916 to 30th June 1921. It is not now possible to say in which cases detention in a reformatory would have been suitable, but I think the figures shew a sufficient field of

juvenile

juvenile cases.

2. The Reformatory School at Chingleput is recommended for sending such prisoners.

3. The delay in reply is due to the late receipt of figures from the Central Jail.

I have the honour to be,
Sir,
Your most obedient servant,

DISTRICT MAGISTRATE.

Statement showing the number of convicted prisoners of and under the age of 15 committed to the B. C. Jail by the Criminal Courts in the C & M Station Bangalore during the past 5 Years.

No.	Jail No.	NAME	Age	Section	Court	Remarks
1	1437	Munisami	15	379&380 I.P.C	District Magistrate C & M Station B'lore	
2	1446	Remadas	14	376 "	------do--------	
3.	1622	Murugesa Moodr a Motya-n Pardaram	14	379 "	1st Class Ry.Magte. C & M Station B'lore.	
4	1700	Mahomed Usmon	15	-----do-----	1st Class 2nd Magte. C&M Station B'lore.	
5	1701	Kanna	14	403 I.P.C.	District Magistrate C & M Station Bangalor	
6	1707	Arokyasami	"	380 "	2nd Magistrate, C & M Station Bangalore	
7	1714	Padavattan	12	109 C.P.C.	1st Class Ry. Magte. C&M Station Bangalore	
8	1923	Gangaram	14	240 I.P.C.	District Magistrate C&M Station, B'lore.	
9	2239	Anthoniamma (f)	"	379 "	1st Class Magte. Mysore Rys. C&M Station B'lore	
10	2344	Amrulla	"	408 "	District Magte. C&M Station Bangalore.	
11	2574	Shiek Abdulla	12	Rule 2 of H.C. Rules	Bench of Magtes. C&M Station Bangalore.	
12	2629	Kamala (F)	15	Sec.214 of Cantonment Code.	District Magte. C&M Station B'lore.	
13	2637	Rathi (F)	13	Sec. 34(6) Police Act.	2nd Magte C&M Station Bangalore	
14	2765	Kuppan	15	381 I.P.C.	---------do---------	
15	2936	Peerkhan	"	380 "		
16	3097	Govindu	11	Sec.5 B.L.20	District Magte. C & M Station B'lore.	
17	3108	Masthan	12	Sec.13 of Act III of 1867	Bench of Magtes. C&M Station B'lore.	
18	3547	Abdulla	15	457 & 380,I.P.C.	2nd Magte. C&M Station Bangalore.	
19	3594	Anthony	12	Sec.5 B.L. H.C. Rules	----------do------	
20	3656	Rahim	12	13 of Act III of 1867	Bench of Magtes. C&M Station Bangalore.	
21	4028	Dhanamma (F)	15	34 Cl.6 Police Act.	2nd Magte. C & M Station Bangalore.	
22	4049	Arokyasami	15	411 I.P.C.	Bench of Magtes. C&M Station Bangalore.	
23	4306	Nag[illegible]			2nd Magte. C&M Statio Bangalore.	
24	4312	Arokia Mari(F)	15	380 "	[illegible] C&M Station Bangalore.	
25	4381	Manikyam	14	7&8 B.L.No.3	2nd Magte. C&M Station Bangalore	
26	4441	Munigadu	"	379 I.P.C .	Bench of Magtes C&M Station B'lore	
27	4640	Sheik Amir	15	Sec.8 Bl No 3	1st Class Ry. Magist C&M Station Bangalor	
28	4641	Arokyasami	12	-------do----------	Bench of Magtes.C&M Station Bangalore	
29	4682	Arokiamari (F)	14	Sec 34 Cl.6 Police Act.	----------do--------	
30	4777	Roobi (F)	15	-----do-----	----------do--------	
31	4811	Papa (F)	12	-----do-----	----------do--------	
32	4989	Abdul Rahimon	13.	Rule8 of H.C.R	2nd Magte. C. & M	
33	6078	Abdulla	12	8 Act.XI of 1890	Station Bangalore ----------do--------	
34	6100	Mahaboob Sheriff	15	-----do-----	----------do------	
35	6148	Anthony	12	379 I.P.C.	----------do-------	
36	6149	Anthony a Anthoo	15	420 "	----------do------	
37	6258	Sheikoo	12	380 "	----------do------	
38	6401	Abdul Wahab	14	243&114 I.P.C.	----------do--------	
39	6677	Toby a Doddao	10	454 & 380I.P.C.	----------do-------	
40	6679	Munisami	14	13 of Gambling Act	----------do--------	
41	6718	Syed Basith	14	5 B.L. 20	Bench of Magtes. C&M Station Bangalore.	
42	6804	Mahomed Esoof	15	380 I.P.C.	2nd Magte. C&M Statio Bangalore.	
43	6828	Lakshmi (F) with 2 aliases	14	369&379 I.P.C.	----------do------	

	7024	Latchmi with 3 aliases	14	380 I.P.C.	2nd Magte. C&M Station Bangalore.
	7067	Sriramadu	15	379 & 75I.P.C.	1st Class Ry. Magte. C&M Station B'lore.
46	7122	Srinivasalu	14	13 Gambling Act.	---------do-------
47	7127	Sakhadu	13	5 B.L.20	Bench of Magtes. C&M Station Bangalore.
48	7136	Anthony	"	34 Cl. 6 Police Act.	----------do-----
49	7165	Mari (F)	15	179 Cl 2 Cantonment Code	District Magte. C&M Station Bangalore
50	7219	Munisami	13	457&380 I.P.C.	2nd Magte C&M Station Bangalore.
51	7253	Sankarappa	14	380 "	---------do---------
52	7338	Narainsami	9	Sec 6 Act XI of 1890	----------do--------

Superintendent,
Central Jail, Bangalore.

Dated December 1921.

N. V. Rao.

S. S.—R. P.B.—12-1919.—10,000.

(20

DRAFT.]

From

The Hon'ble Mr. W. P. Barton,
C.S.I., C.I.E.,
Resident in Mysore.

To

The Secretary to the Government
of Madras,
Educational Department.

No. 1398
D/ 8th Feby.1922.

Subject:- Madras Children Act, 1920.

Sir,

I have the honour to state that it is under consideration to apply the above Act to the Civil and Military Station of Bangalore for the purpose of dealing with youthful offenders and for the protection of destitute or vagrant children and young persons in the Station.

Sec.29 Madras Children Act.

2. I would accordingly ask whether the Government of Madras would agree to their certified schools being made available for the receiption of youthful ofienders and children and young persons directed to be sent to such an institution under the Madras Children Act, as applied to the Station, and if so what the charges would be per head, assuming that the average number to be admitted per year will be 15 or thereabouts.

I have the honour to be,
Sir,
Your most obedient servant,

sd. T. Plowden

for R E S I D E N T.

S. 3.—R. P.|B.—12-1919.—10,000.

21

DRAFT.

From

Secretary to the Residency.

To

The District Magistrate, C.R. Station,
Bangalore.

No. 1399
dt 8-2-1922

Subject: Reformatory Schools Act VIII of 1897

Sir,

I am directed to refer to the correspondence with your letter No 38, dated the 6th January 1922, on the above subject and to enquire with reference to para 4 of letter No 419, dated the 17th January 1921, from the D.S.P., C.R. Station, a copy of which was furnished with your letter No 905, dated the 21st March 1921, whether it is possible to establish a Certified School in the Station, for the reception of youthful offenders and Children.

V. 19
327-04

V. 17
327-04

2. I am to add that in the meanwhile the Commissioner of Madras are being asked whether under the Madras Children Act, 1920, if it be applied to [illegible] they would be prepared to admit into their

(Continuation of Draft.)

Catholic schools, & truthful officials and children from the Station, and if so what the charges would be per head, assuming that the average number to be admitted per year ~~of~~ Children would be 15 or thereabouts.

3. I am also to request you to thank Mr Colvin on the Resident's behalf, for calling us this question.

I have &c.

J. S. 5.2.22.

Secretary to the Resident

E.K.J. 7.2.22. No 3/2

VB 21/2

Law (Education) Department.
No. 453 B-1.

RESIDENT'S OFFICE. BANGALORE.
Register No. 1495-X
Date of Receipt 21-2-22
File No. 32/84

From

M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal,
Secretary to the Government of Madras.

To

The Hon'ble the Resident in Mysore,
Bangalore.

Dated Fort St. George, the 17th February 1922.

Sir,

S.20 Your letter No. 1398/327-1904, dated the 8th February 1922 - Madras Children Act, 1920.

I am directed to state that the Madras Children Act, 1920, has not yet been brought into operation in this Presidency and that, until this Government see its actual working and are in a position to gauge their own actual requirements in regard to —— accommodation etc. in the certified schools when established, they would prefer not to admit in the schools youthful offenders and children from outside this Presidency.

I have the honour to be,
Sir,
Your most obedient servant,

R V Krishnan

for Secretary to Government.

18.2.22

S. 3.—R. P. B.—6-1920—10,000.

23

DRAFT.

From

The Hon'ble Mr. W. P. Barton, C.S.I. C.I.E.,
Resident in Mysore.

To

The Secretary to the Govt. of Madras
Law (Education) Department.

Subject:- Madras Children Act, 1920.

Sir,

Secret
No. 2614
8/18-3-1922

L.U.C. V. 22
327-04

I have the honour to acknowledge the receipt of your letter No.453-B.I., dated the 17th February 1922, on the above subject, and to state that in the circumstances, the application of the Reformatory Schools Act, 1897, to the Station, to deal with youthful offenders, becomes necessary. There is no Reformatory School in Bangalore to which such offenders from the Cantonment of Bangalore could be sent and the conditions of the Station do not justify the establishment of a separate institution. Before moving the Government of India to apply the Reformatory Schools Act to the Station, and to issue the order contemplated in Sec.15(1) thereof, I would ask whether the Government of Madras are prepared to receive in their Reformatory School at Chingelput, youthful offenders directed to be sent there by a Court or Magistrate of this Station. On an average, 10 youthful offenders have been convicted and sent to the Bangalore Central Jail each year. To this number should be added juvenile prisoners of the Station under

Sl. 2
327-1904

and, if so, on what principle would the charge be apportioned by the Madras Government?

Para 2 Sl. 19
327-1904

The figures for the past 5 yrs should be given, as mentioned in para 6 of my note

under sentences of more than a year who under the arrangements of 1884 - vide Madras Government Order No.1778, Judicial, dated the 19th July 1884 - are transferred to the Madras Jails.

Sl. 19 (a) 353-1885.

2. If the Government of Madras agree to this proposal, a rule similar to that suggested in para 2 of the letter from the Government of Madras, Education Department No.481-Mis., dated the 12th July 1905, will be framed for the Station.

S. 6 7-1905 – Please see V. 11 7-05

I have, etc.

for RESIDENT.

No. 2615 Exam /

Copy, together with a copy of the letter from the Government of Madras, Law (Education) Department No.453-B.I dated the 17th February 1922, referred to, is forwarded to the Dist. Magistrate, C & M. Station, Bangalore, for information, in continuation of letter from this office No.1399, dated the 8th February 1922.

L.U.C.

V. 21 327-04

Secy. to Resident.

BJ

14.3.22

V.S. 1443

PRESIDENT'S OFFICE,
Register No. 32968
Date of Receipt 29/4/22
FROM

No. 2914

Scott. II-24—10,256—28-1-22.

Law (Education) Department.

No. 1007 B-1

M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal,
Secretary to the Government of Madras,

To

The Hon'ble the Resident in
Mysore,

Dated Fort St.George, *the* 27th April 1922.

Sir,

S23 Your letter No. 2614/37-1904, dated the 18th March 1922 - application of the Reformatory Schools Act, 1897, to the Civil and Military Station of Bangalore.

I am directed to say that, owing largely to the great demand for accommodation for juvenile prisoners convicted in connection with the Mappilla rebellion, the Reformatory school, Chingleput, contains at present the maximum number of youthful offenders which it can accommodate. The Madras Government much regret therefore that they see no present prospect of being able to provide accommodation in the school for youthful offenders from the Civil and Military station of Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,

R Krishnan

for Secretary to Government.

28.4.22

S. 3.—R. P. B.—6-1926—10,000.

No. 4210 S
13th May 1922

DRAFT.

From

The Hon'ble Mr. W. P. Barton,
C.S.I., C.I.E.,
Resident in Mysore.

To

The Secretary to the Government
of Bombay,
Educational Department.

Subject:- Reformatory Schools Act, 1897.

Sir,

I have the honour to refer to your letter No.1191, dated the 3rd July 1905, in which the Government of Bombay agreed to receive into their Reformatory at Yeravda, juvenile offenders from Coorg. It is under consideration to apply the above Act to the C. & M. Station of Bangalore (an administered Area), to deal with youthful offenders. There is no Reformatory school in Bangalore to which such offenders in the Station could be sent and the conditions of the Station do not justify the establishment of a separate institution. Before moving the Govt. of India to apply the Act and to issue the order contemplated by Sec. 15(1) thereof, it is necessary to know whether accommodation could be provided in a Reformatory school situated in another province for the reception of the youthful offenders of this Station.

The assistance of the Government of Madras was invoked, but they have been unable

(Continuation of Draft.)

unable to comply with the request, as owing largely to the great demand for accommodation for juvenile prisoners convicted in connection with the Moppilla rebellion, the Reformatory school, - Chingelput, contains at present the maximum number of youthful offenders which it can accommodate. I would therefore ask whether the Government of Bombay would be prepared to receive in their Reformatory at Yeravda, youthful offenders directed to be sent there by a Court or Magistrate of this Station, and, if so, request to be informed what the charge would be per head per annum. The figures for the past 5 years show that, on an average, 10 youthful offenders have been committed and sent to the Central Jail at Bangalore, each year.

L.v.c.

✓ 23

I have, etc.

S/d J. Austin

for RESIDENT.

No. 1211 Encl

Copy, with a copy of letter No. 1007 B-1, dated the 27th April 1922, from the Government of Madras, Law (Edn.) Department is forwarded to the District Magistrate, Civil & Military Station, Bangalore, in continuation of ~~letter~~ from this office No. 261 dated the 18th March 1922.

L.v.c.

✓ 23.

Secretary to the Resident.

BJ 11.5.22

11/5

126

B. O. 2.—D. P. E.—5—1922.—5,000

No. 4966 Enc.
327-1904.

From

Major C. T. C. Plowden, I.A.,
SECRETARY TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 15th June 1922

Subject:—

Reformatory Schools Act, 1897.

Sir,

I am directed to say that the subject of the accommodation and education of the juvenile prisoners of the Civil and Military Station of Bangalore, is engaging the attention of the Resident, and it is under consideration to apply the above Act to the Station.

With reference to Section 15 (1) of the Act, the Government of Bombay have been asked whether they would be prepared to receive in their Reformatory at Yeravda, youthful offenders directed to be sent there by a Court or Magistrate of this Station. The Government of Madras are at present unable to provide accommodation for such offenders.

I am to inquire whether in the event of the Government of Bombay being also unable to comply with the request or, even if they are agreeable to the proposal, as an alternative to that proposal, the Mysore Durbar would be so good as to arrange to accommodate the juvenile prisoners of this Station in the Reformatory, the establishment of which appears to be under their consideration - vide paragraph 4 of the Proceedings of the Government of Mysore No. J.1405-18-Pris.71-20-4, dated

A550

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

No. Lol18

Dated, Bangalore 5 July 1922

RESIDENT'S OFFICE
BANGALORE
Register No. 4920
Date of Receipt 7/7/22
File No. 327/04

From

B. Venkoba Rao, Esq., B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General Department.

To

Major C. T. C. PLOWDEN, I. A.,
Secretary to the Hon'ble the Resident in Mysore.

Sir,

With reference to your letter No. 4966/327-1904 dated the 15th ultimo regarding the accommodation of Juvenile prisoners of the Civil and Military Station, Bangalore, in the Reformatory to be established by the Durbar, I am directed to state that though the Durbar have accorded administrative sanction to the establishment of a Reformatory in Bangalore, the construction of the necessary building for it has had to be deferred on account of financial stringency and that it will be some time before they can take up the scheme. When the necessary buildings are complete and the Reformatory has come into working order, the Durbar will be glad to receive the Juvenile prisoners of the Civil and Military Station on the same terms as adult prisoners are now accommodated in the Central Jail.

I have the honor to be,

Sir,

Your most obedient servant,

B Venkoba Rao

Secretary to Government,

General Department.

C.R.G.

F. O. No. 9.—R. P. S.—11-1931.—5,000.

No. 5617 Enclos. *Dated Bangalore,* 11th July 1922.

327-1904.

From

Major C. T. C. Plowden, I.A.,

SECRETARY TO THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

Subject:- Accommodation of the juvenile prisoners of the Civil & Military Station in the Reformatory proposed to be established at Bangalore, by the Mysore Durbar.

Sir,

I am directed to acknowledge the receipt of your letter No.Pol.18, dated the 5th July 1922, on the above subject, and to convey the Hon'ble the Resident's thanks to the Durbar for agreeing to accommodate juvenile prisoners of the Civil & Military Station in their Reformatory in Bangalore when it is built.

I have the honour to be,
Sir,
Your most obedient servant,

Sd T. Plowden

O/C SECRETARY TO THE RESIDENT.

BJ

No.1507-E,
Educational Department,
Secretariat, Fort, Bombay,
Dated the 25th July 1922.

From

J.C. Ker, Esquire, I.C.S.,
Secretary to the Government of Bombay,
Educational Department;

To

The Honourable the Resident in Mysore,
BANGALORE.

SUBJECT: Admission of juvenile offenders from Bangalore into the Yeravda Reformatory School.

Sir,

With reference to your letter, no. 4210-Enc., dated the 13th May 1922, on the above subject, I am directed to state that accommodation in the Reformatory School at Yeravda is not sufficient to meet the requirements of this Presidency and it is often necessary to refuse admission to offenders from this Province on that account. In the circumstances, the Governor in Council regrets that it will not be possible to admit to the Reformatory School juvenile offenders from Bangalore.

2. I am to observe also that, as there is no provision in this school for the teaching of vernacular languages other than Gujarati and Marathi, boys from Bangalore would not derive any benefit, even if accommodation could be provided for them.

I have the honour to be,
Sir,
Your most obedient servant,

A.F. Knight

For Secretary to the Government of Bombay,
Educational Department.

a.r.s.

Ecm 2

C. O. S. No.—E. P. B.—2,919—2,000.

No. 6331 DATED BANGALORE 5th August 1922

FROM

MAJOR C. T. C. PLOWDEN, I. A.,

Secretary to the Resident

To

The District Magistrate,

C & M Station, Bangalore.

Endorsement from this office
Reference ~~my letter~~ / ~~your telegram~~ No. 4211, dated the 13th May 1922.

Subject

Reformatory Schools Act, 1897.

F. 29

A copy of a letter No.1507-E, dated the 25th July 1922, from the Government of Bombay, Educational Department, is forwarded, for information.

2. As accommodation for the youthful offenders of this station cannot be provided, it is necessary that the application of the above Act to the Station should be postponed. The Mysore Durbar have, however, under their consideration the establishment of a Reformatory, and although administrative sanction has been accorded to the proposal, the construction of the necessary building has had to be deferred on account of financial stringency, vide enclosed copy of their letter No. Pol.18, dated the 5th July 1922. When the Durbar have completed their arrangements in this matter, the question of the application of the Act to the Station will be taken up.

3.

In the meanwhile, with reference to the Durbar's letter No.Pol.850, dated the 22nd February 1919, regarding the appointment of the District Magistrate of the C & M Station (for the time being) as an ex-officio visitor of the Bangalore Central Jail, of which a copy was enclosed with the letter from this office No.1565, dated the 27th February 1919, the Resident would be glad if you would note your views on the reformatory section of the Jail when next you visit it, and submit them for his information.

Secretary to the Resident.

weaving carpets and the older ones gardening.

I have the honour to be,

Sir,

Your most obedient servant,

District Magistrate.

From

T. Austin, Esq., I.C.S.,
District Magistrate,
Civil & Military Station, Bangalore.

To

Major C.T.C. Plowden, I.A.,
Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

RESIDENCY PRIVATE
No. 5985
Date of receipt 17-8-22
File No 327/04
SUBJECT

REFORMATORY SCHOOLS ACT, 1897.

-----:0:-----

Sir,

With reference to para 3 of your letter No. S.30 6331/327-1904 dated 5th August 1922, I have the honour to state that I visited the Bangalore Central Jail this morning. There is no separate reformatory section in the Jail. Young boys and older boys are kept in two separate batches and apart from the other convicts, but they all do the same work and, except for their being kept separate, no distinction is made at all. There is no special moral or educational instruction. I saw the younger boys

weaving

C. O. 45.—R. P. B.—8-1941.—5,000.

No. 1809 Enclos. *Dated Bangalore,* 23rd August 1922.
327 - 1904.

From

Major C.T.C. Plowden, I.A.,

SECRETARY TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

S.27 Reference ~~letter~~ telegram No. Pol.18, dated the 25th July 1922, from the Secretary to the Government of His Highness the Maharaja of Mysore, General Department.

Subject:—

Accommodation of juvenile prisoners.

The Resident would be glad to know what means are being adopted at present for the carrying out of the provisions in the Mysore Jail Manual (Sections 733 to 743) for the instruction both moral and educational of the juveniles sentenced by Courts in the Civil and Military Station who are confined in the wards of the Central Jail at Bangalore.

Sd/ T. Plowden

9/c SECRETARY TO THE RESIDENT

PN

33

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

Dated, Bangalore 1922

No.

RESIDENCY OF MYSORE
Received No. 7534
Date of reading 21-10-22

From
B. Venkoba Rao Esq., B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore
General Department.

To
Major C.T.C.Plowden, I.A.,
Secretary to the Hon'ble the Resident in Mysore.

Sir,

With reference to your Memo No.6809/327-1904, dated the 23rd August 1922, enquiring the means adopted for the instruction, both moral and educational, of the juvenile prisoners of the Civil and Military Station confined in the Bangalore Central Jail, I am directed to state as follows:-

1. Two separate wards have been set apart in two barracks that Jail - the one to accommodate elderly juveniles and the other the boys. Both classes are separated from one another and from other class of prisoners both by day and night.

2. Very elementary drill such as marching in four abreast etc., is taught.

3. Elderly juveniles are trained in Agriculture and they work in a garden set apart for them and the boys in carpet - making. The former work under a paid permanent elderly warder and the latter under an elderly convict and a paid work-instructor.

4.

4. No regular means exist for imparting systematic instruction in reading, writing and arithmetic. The question of engaging a paid teacher is under consideration of Government. The juveniles of the Civil and Military Station, sentenced to more than one -- year's imprisonment, are sent to the Vellore Central Jail.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary to Government,

General Department.

KNN

No. 838 Excise. Fort St. George, 27 Oct. 1822.

FROM

SECRETARY TO THE RESIDENT IN MYSORE.

To

Mysore Residency, [illegible]

Bangalore, 27th Oct. 1922

No. [illegible]

A copy of the marginally* noted letter, ~~with enclosure~~, is forwarded to the Chief Secretary to the Madras Government, Political Department, for information.

*No. 1235 dated the 20th Oct. 1922 from the Chief Secretary to the Government of Mysore.

Secretary to the Resident.

H. O. 100. (a).—R. P. B.—3.1922.—3,000

Proceedings of the Chief Commissioner of Coorg,
No. 2717—234-14, dated Bangalore, the 19th September 1923.

READ—

(1) Chapter XV of the Report of the Indian Jails Committee, 1919—20.

(2) Letter No. F. 280-Jails, dated the 26th January 1923, from the Government of India, Home Department.

(3) Letter No. F. 280-Jails, dated the 4th May 1923, from the Government of India, Home Department.

(4) Letter No. F. 280-23-Jails, dated the 21st May 1923, from the Government of India, Home Department.

(5) Letter No. F. 119-IV-23-Jails, dated the 6th July 1923, from the Government of India, Home Department.

ORDER THEREON—No. 2717—234-14, DATED BANGALORE, THE 19TH SEPT. 1923.

The Chief Commissioner is pleased to issue the following executive instructions :—

The Child Offender.

1. In dealing with juvenile offenders the magistrates should bear in mind that the term "child" means a person under the age of 14 and "young person" means one who is 14 but under 16.

2. Juveniles should not be dealt with by the courts as adults on the strength of the age given by the police or the accused person. All magistrates are advised that they should not accept without question the age given in the charge sheet but should form their own estimate of it and should refer all doubtful cases to a medical officer.

3. Detention of children in prison should be avoided as far as possible.

4. Children and young persons under remand, enquiry or trial should not be committed to prison where this can be avoided. The court should endeavour to make suitable arrangements for their custody during this period subject to the necessary reservation in the case of members of criminal tribes. It is of particular importance that cases in which young persons are concerned should be finally disposed of on the first day of hearing.

5. Child offenders should be tried only by the Sub-Judge or the Munsiff Magistrate of Virajpet and should as far as possible be released under section 562 of the Code of Criminal Procedure. The Chief Commissioner, however, deprecates adjournments for the collection of information.

6. Whipping has been found to be effective in only a small percentage of cases and repeated whippings do no good. This form of punishment should be resorted to only when it would have a marked effect in putting down juvenile crime. It should be inflicted in the precincts of the court in the presence of the magistrate.

7. Measures should be taken to keep in touch with the ex-pupils of reformatory schools and information as to the after-career of these pupils should be systematically collected and placed on record.

The Adolescent Criminal.

8. Separate wards should be set apart for the confinement of adolescents, and adolescents guilty of grave crime and arrangements should be made for some sort of separation for female adolescents.

9. Column 4-B of statement No. 39 of the Annual Report on the Administration of Coorg should be divided into four sub-columns, dealing with prisoners of the ages of 16 to 18, 19 to 21, 22 to 30 and 31 to 40 years respectively.

10. The finger prints of all adolescents sent to the Borstal Institution in Madras should be taken and sent for record to the bureau of the province of which they are resident and the system of registering criminals as "P. R."

"P. R. T." or "K. D." should not be applied to any inmate or ex-inmate of the Institution. Copies of such finger prints should be kept in Coorg.

Reduction in the number of prisoners and short sentences.

11. The number of persons committed to prison should be kept as low as possible. There are very few sections of the Indian Penal Code under which it is obligatory to award imprisonment as a punishment and it is, where necessary, possible to avoid this by sentencing offenders to imprisonment until the rising of the court. Free use should be made of the provisions of section 31 of the Reformatory Schools Act, 1897, so far as juvenile offenders are concerned.

12. The Government of India deprecate the infliction of short terms of imprisonment but are not willing to lay down any rigid rule that imprisonment should not be awarded for less than a particular period as such a rule would prove to be a source of inconvenience and might bear evil results. This fact should be borne in mind. The Chief Commissioner would suggest as an alternative the expediency of a liberal use of section 562 of the Code of Criminal Procedure the scope of which has been considerably widened by the Code of Criminal Procedure (Amendment) Act, 1923.

13. Proper care should be exercised in awarding alternative sentences of imprisonment in default of payment of fine which should be such as to induce a man to pay the fine rather than to make him avoid doing so and cause unnecessary expense to the State.

(Sd.) N. CATER,

Secretary to the Chief Commissioner.

R. P. B.—9-1923.—35.

37

MYSORE RESIDENT'S OFFICE,

Bangalore, 10/10/ 1923

No. 8031 Enc 1

A copy of the marginally* noted ~~letter, with enclosure~~ proceedings, is forwarded to the ... Civil Magistrate, Cantonment of Bangalore, with the request that ... the Resident may be favoured ... with his opinion as to whether similar instructions may be introduced into the Cantonment of Bangalore. If so, a draft may be furnished. In this connection attention is invited to correspondence ending with endorsement from this office No 8885, dt 27.10.22.

* No 2717-24 dated the 19th September 1923 from the C.C. of Coorg.

Secretary to the Resident.

C.A.S. 2/10/23

S 35

R. O. 106. (a).—R. P. B.—7-1923.—3,000

Sd/ A.W.L. Cater.
Secretary to Resident
4/10

38

No.3741.

Office of the District Magistrate,
Civil and Military Station, Bangalore.

Dated 5th December 1923.

From

T. Austin, Esq., I.C.S.,
District Magistrate,
Civil and Military Station, Bangalore.

RESIDENT'S OFFICE
Received on 10-12-23
9899
Date of Despatch 10-12-23
32/11-1

The Secretary to the Resident
in Mysore, Bangalore.

Subject:- Executive instructions in dealing with Juvenile offenders.

Sir,

With reference to your No.8031/237-1004 dated the 10th October 1923, I am of opinion that the issue, to the Civil and Military Station of Bangalore, of instructions similar to those issued by the Chief Commissioner of Coorg will be useful.

In enclosing herewith a draft as desired, I may point out, for such action as may be possible the Resident may deem fit to take, that, though par 10 of the draft is not based on the provisions of any Act in force in the station, yet its retention may be useful as the parent or guardian is presumably responsible for the behaviour of a child till it attains maturity of understanding, and it will avoid as far as possible confinement of juvenile offenders in a jail.

I have the honour to be,

Sir,

Your most obedient servant,

T. Austin

District Magistrate.

DESPATCHED
7 - DEC 1923

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE,
CIVIL AND MILITARY STATION, BANGALORE.

Read ---

O R D E R.

The Hon'ble the Resident in Mysore is pleased to issue the following executive instructions:-

THE CHILD OFFENDER.

1. In dealing with juvenile offenders the Magistrates should bear in mind that the term "child" means a person under the age of 14 and "young person" means one who is 14 but under 16.

2. Juveniles should not be dealt with by the courts as adults on the strength of the age given by the police or the accused person. All Magistrates are advised that they should not accept without question the age given in the charge sheet but should form their own estimate of it and should refer all doubtful cases to a medical officer.

3. Where a person apparently under the age of ~~fifteen~~ sixteen years is arrested on a charge of non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought should release him on bail if sufficient surety is forthcoming, unless for reasons to be recorded in writing the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

4. Where a person apparently under the age of ~~fifteen~~ sixteen years having been arrested is not released under para 3 or otherwise the police officer should follow the provisions of section 61, Cr.P.C. of the Criminal Procedure Code.

5. Detention of children in prison should be avoided as far as possible.

6. Children and young persons under remand, enquiry or trial should not be committed to prison where this can be avoided. The court should endeavour to make suitable arrangements for

their custody during this period subject to the necessary reservation in the case of persons of criminal habits. It is of particular importance that cases in which young persons are concerned should be finally disposed of on the first day of hearing.

7. (a) To facilitate this, the police officer who files the charge sheet should bring or bind over the prosecution witnesses for their appearance before the Magistrate on the date on which the charge sheet is laid.

(b) Where the child or young person is arrested, the officer in charge of the police station to which he is brought should cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

8. Child offenders should be tried only by a court of Session, a District Magistrate (CJM) a First Class Magistrate and should, as far as possible, be released under section 562 of the Criminal Procedure Code. Adjournments for the collection of information should never be made except in very special cases.

9. Caning should be resorted to only, when it could have a remarkable effect in putting down juvenile crime. It should be inflicted in the presence of the Magistrate.

10 (a) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case could be adequately met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the offender is a child order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person: but no such order should be given without giving the parent or guardian an opportunity of being heard.

10 (b). Where a parent or guardian is directed to pay a fine under sub section (a), the amount may be recovered in accordance with the provisions of the C.P.C. 1898.

11. Measures should be taken to keep in touch with the ex-pupils

of reformatory schools and information as to the after-career of those girls should be systematically collected and placed on record by the police.

RESTRICTIONS ON THE IMPRISONMENT OF WOMEN AND GIRLS.

11. ~~10.~~ The number of persons committed to prison should be kept as low as possible. There are a very few sections of the Indictable Offences Act which it is obligatory to award imprisonment as a punishment and it is, where necessary, possible to avoid this by sentencing offenders to imprisonment until the rising of the court. A liberal use of section 567 of the Criminal Procedure (Scotland) Act 1975 should be made so far as possible.

12. ~~11.~~ Proper care should be exercised in awarding alternative sentences of imprisonment in default of payment of fine which should be such as to induce a man to pay the fine rather than to undergo it, avoid delay and cause unnecessary expense to the State.

Memorandum.

Bangalore, dated 22/12/

To

Secy to the Resident

The Dt Magte
C & M. S.
Bijapur

Refce: His letter no. 3741, dated the 5th Dec. 19
regarding executive instructions for dealing with
Juvenile Offenders.

The Dt. Magte is
requested to be so good
as to state his reasons
for reducing the age
limit of juveniles

40

No.4777/23

Office of the Dist. Magistrate,
Civil & Military Station, Bangalore,

Dated 17th January 1924.

From

T. Austin, Esquire, I.C.S.,
Dist. Magistrate, C. & M. Station,
B a n g a l o r e.

RESIDENT'S OFFICE
BANGALORE
Register No. 471
Date of Receipt 19-1-24

To

The Secretary to the Hon'ble the Resident
in Mysore, B a n g a l o r e.

Reference: Your memorandum No. 10694 dated 22nd December 1923 regarding executive instructions for dealing with juvenile offenders.

Sir,

To be in conformity with Sections 29- B and 399 of the New Criminal Procedure Code the age limit of juveniles has been reduced from 16 to 15 years.

I have the honour to be,
Sir,
Your most obedient servant,

T Austin

Dist. Magistrate.

ATTACHED
18 JAN 1924

Form No. 6 & 15 [redacted] —

Instruction no. 1 issued by the Chief Commr of Coorg

sl 36

2. [redacted] this Confidential a reference is also requested

Para 364 of the Regd Indian Jails Committee, 1919-20.

(14)

P.J. Anthoni
for Secy to the Resident

VAS 21/12

12/12

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

---:0:---

No. 1473 Dated Bangalore 14th February 1924.

O R D E R.

The Hon'ble the Resident in Mysore is pleased to issue the following executive instructions for the guidance of criminal courts in the Civil & Military Station of Bangalore:-

THE CHILD OFFENDER.

1. In dealing with juvenile offenders the Magistrates should bear in mind that the term "child" means a person under the age of 14 and "young person" means one who is 14 but under 16.

2. Juveniles should not be dealt with by the courts as adults on the strength of the age given by the police or the accused person. All Magistrates are advised that they should not accept without question the age given in the charge sheet but should form their own estimate of it and should refer all doubtful cases to a medical officer.

3. Where a person apparently under the age of sixteen years is arrested on a charge of non-bailable offence and cannot be brought forthwith before a court, the Officer in charge of the police station to which such person is brought should release him on bail if sufficient surety is forthcoming, unless for reasons to be recorded in writing the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reported criminal.

4. Where a person apparently under the age of sixteen years having been arrested is not released under paragraph 3 or otherwise the police officer should follow the provisions of section 61, of the Code of Criminal Procedure.

5. Detention of children in prison should be avoided as far as possible.

6. Children and young persons under remand, enquiry or trial should not be committed to prison where this can be avoided. The

court

court should endeavour to make suitable arrangements for their custody during this period subject to the necessary reservation in the case of members of criminal tribes. It is of particular importance that cases in which young persons are concerned should be finally disposed of on the first day of hearing.

7. (a) To facilitate this, the police officer who files the charge sheet should bring or bind over the prosecution witnesses for their appearance before the Magistrate on the date on which the charge sheet is laid.

(b) Where the child or young person is arrested, the officer in charge of the police station to which he is brought should cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person would appear.

8. Child offenders should be tried only by a court of Session, a District Magistrate or a First Class Magistrate and should, as far as possible, be released under section 562 of the Criminal Procedure Code. Adjournments for the collection of information should never be made except in very special cases.

9. Whipping should be resorted to only when it would have a marked effect in putting down juvenile crime. It should be inflicted in the presence of the Magistrate.

10. Measures should be taken to keep in touch with the ex-pupils of reformatory schools and information as to the after-career of these pupils should be systematically collected and placed on record by the police.

REDUCTION IN THE NUMBER OF PRISONERS AND SHORT SENTENCES.

11. The number of persons committed to prison should be kept as low as possible. There are a very few sections of the Indian Penal Code under which it is obligatory to award imprisonment as a punishment and it is, where necessary, possible to avoid this by sentencing offenders to imprisonment until the rising of the court. A liberal use of section 562 of the Code of Criminal Procedure the scope of which has been considerably widened by the Code of Criminal

Procedure

Procedure (Amendment) Act 1923 should be made as far as possible.

12. Proper care should be exercised in awarding alternative sentences of imprisonment in default of payment of fine which should be ~~mx~~ such as to induce a man to pay the fine rather than to make him avoid doing so and cause unnecessary expense to the State.

Sd/ A N K Calder.

SECRETARY TO THE RESIDENT.

The Sessions Judge, Civil and Military Station, Bangalore.
The District Magistrate, Civil and Military Station, Bangalore.

BJ

42

No. 1797-C-29.

Office of the District Magistrate,
Civil and Military Station, Bangalore.

Dated 10th May 1929.

4863 ✓
14/5/29

From

C. H. Cooke, Esq., M. C., I. C. S.,
District Magistrate, Civil and Military Station,
Bangalore.

To

The Secretary to the Resident
in Mysore, BANGALORE.

Sir,

S. & G. 22 — The Madras Children Act IV of 1920 - Application to the Station - Correspondence ending with your No.2615 dated 18-3-22.

----:0:----

S. & G. 22 — I invite a reference to the Madras Government letter No.453-B-1 dated 17-2-22 communicated to me with your endorsement quoted above and request that, as the necessity for the application ~~of~~ for the Act to the Station is keenly felt, the attention of the Madras Government be invited to their letter ✓ S. & G. 22 of 17-2-22 and they be asked to state whether it would now be possible to accommodate in their schools the children and youthful offenders of the Station.

I have the honour to be,
Sir,
Your most obedient servant,

14/5

DISTRICT MAGISTRATE.

C.H.C.
14.5.

13 MAY 1929

*All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 5708 ENC.

327/1904.

FROM

Major G. Loch,
SECRETARY TO THE RESIDENT IN MYSORE.

To The Secretary to the Government of Madras,
Law (Education) Department.

Dated Bangalore, 2nd July 1929.

Subject.

MADRAS CHILDREN ACT, 1920.

SIR,

S.N.24

I am directed to refer to the correspondence ending with your letter No.1007 B-1, dated the 27th April, 1922, and to state that as the necessity for adequate provision in the matter of dealing with juvenile offenders in the Civil and Military Station of Bangalore is keenly felt, the Hon'ble the Resident would be glad if the Government of Madras would kindly reconsider their decision communicated to this Residency in their letter referred to above and consider the possibility of accommodating in their Reformatory Schools the children and youthful offenders of this Station.

I have the honour to be,
Sir,
Your most obedient servant,

O/C

Major.
SECRETARY TO THE RESIDENT.

ASB

EDUCATION DEPARTMENT.

No. 1754.

***

From

M. R. Ry. Diwan Bahadur

J. Venkatanarayana Nayudu Garu, B.A., B.L.,

Secretary to the Government of Madras.

To

The Secretary to the Resident in Mysore,

BANGALORE.

Dated Fort St. George, the 22nd August 1 9 2 9.

Sir,

Acommodation for juvenile offenders of the Civil and Military Station, Bangalore - Your letter No. 5708/327/1904, dated 2nd July 1 9 2 9.

***

There are three Government Certified Schools in this Presidency, one Senior and two Junior, for the detention of boys dealt with under the Madras Children Act, 1920. Two out of these three schools are at present over-crowded and the third school contains almost the maximum number of pupils which it can accommodate. Further, the number of commitments under the Madras Children Act continues to be on the increase. The question of providing additional accommodation for the boys dealt with under the Act has therefore been raised. As, however, it will take some time before the additional accommodation is

provided

provided I am to express the regret of this Government that they are still unable to accede to the request of the Hon'ble the Resident that youthful offenders of the Civil and Military Station, Bangalore, should be accommodated in the Certified schools of this Presidency.

I have the honour to be,

Sir,

Your most obedient servant,

Ramaswamy Iyer

SECRETARY TO GOVERNMENT.

T.D.G.

145

D.O. 8269. 727/9/29

From

Secretary

To

P. Mahadevayya Esq. B.A.,B.L.

Secretary to the Govt. of Mysore,
Law Deptt.

D. O.

*S.N.27

(S)

I am desired to refer to Mr. Venkoba Rao's* letter No.Pol.18, dated the 5th July,1922, ~~xxxxxx~~ regarding the establishment of a Reformatory in Bangalore, and to enquire how the project stands at present.

GL

2.9.29

146

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Pol. 379

Dated, Bangalore, 30 9 1929

From

R. Ranga Rao, Esq., B.A., B.L.,
Offg. Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

9587
1/10/29
327
04

Sir,

S.8.25 - Asstt

With reference to your D.O. letter No.8269 dated the 27th September 1929 to the Law Secretary to Government regarding the establishment of a Reformatory in Bangalore, I am directed to state that the question is still under consideration.

I have the honour to be,
Sir,
Your most obedient servant,

R. Rangarao

Offg. Chief Secretary to Government.

[M.O. 106 (a).]

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 16th Oct., 1929.

No. 8755 Encls. 1.

A copy of the marginally* noted letter, ~~with enclosures~~, is forwarded to the District Magistrate, Civil and Military Station, Bangalore, for information, with reference to his letter No.1797-C-29, dated the 10th May, 1929.

2. An enquiry has also been made from the Government of Mysore regarding the progress of a proposal to establish a Reformatory in Bangalore, but they reply that the matter is still under consideration.

S. N. 44

*No. 1754, dated the 22nd August, 1929 from the Government of Madras, Educational Department.

for Sd. A. M. Peris,

for Secretary to the Resident.

1212—16-8-1929—5,000—RPB.